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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri H.L. Dattu, C.J.

Writ Petition No.2445 of 1998

PETITIONER : C.K. Pathak, aged 32 years, son of late Shri Shiv Kumar Pathak, by occupation service-Engineer (Civil) Gr. E -3 Employee No.00116822, S.E.C.L. Baikunthpur Area, District Sarguja, resident of Charcha Colliery, District Sarguja M.P.

Vs.

RESPONDENTS

1. Coal India Limited, A Government of India Enterprise, through its Managing Director, Coal Bhawan, Post Box No.871, 10 Netaji Subhas Road, Calcutta – 700 001.
2. South Eastern Coalfields Limited, through its Chairman-cum-Managing Director, Seepat Road, Bilaspur, District Bilaspur M.P.
3. Central Mine Planning and Design Institute Limited, through its director-Incharge, Gondwana Place, Kanke Road, Ranchi (Bihar)

Writ Petition under Articles 226/227 Constitution of India.

Present: Shri Gary Mukhopadhyaya, counsel for the petitioner.
Shri Abhishek Sinha, counsel for respondents No.1 & 2.
Shri N Naharoy, counsel for respondent No.3

ORAL ORDER
(Passed on 3rd May, 2007)

Petitioner is an employee of 1st respondent - organization. In this petition filed under Article 226/227 of the Constitution of India, the petitioner seeks for the following reliefs:

(i) The Hon'ble High Court may be pleased to command the respondents to produce complete record of the petitioner's case regarding seniority and promotion before this Hon'ble Court for perusal and reference.

(ii) The Hon'ble High Court may be pleased to declare by appropriate writ or order that the petitioner is entitled to count his services rendered form 15.05.1990 to 07.10.1992 for counting his seniority and for purposes of promotion to E-3 grade.

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(iii) The Hon'ble High Court may be pleased ot direct the respondents to place the petitioner at serial No.108 below Shri Mohit Rastogi (at serial No.107) in CMPDIL and to give the petitioner his promotion to E-3 grade form the date 03.08.1994 from the date Shri Mohit Rastogi was promoted as the petitioner had already completed prescribed period for eligibility for promotion.

(iv) The Hon'ble Court may be pleased to declare that the inaction on the part of the respondents in the matter of consideration of representations of the petitioner is illegal, void and opposed to law and illegally deprives the petitioner of his legal and Constitutional rights.

(v) The Hon'ble High Court may be further pleased to direct the respondents to give all consequential service benefits including seniority in E-3 grade, arrears of pay, interest on arrears of pay, increments, and further promotion to higher grade in accordance with law in view of his revised seniority at appropriate place.

(vi) Any other order or orders deemed just and proper in the facts and circumstances of the case may also be passed with cost.

(2) For the reasons best known to him, the petitioner has not impleaded the proper and necessary parties for effective disposal of the writ petition. In the absence of those parties, if the relief is granted, it would definitely affect their interest. Since the necessary parties are not before me, I cannot be granting the relief sought for by the petitioner. Accordingly, the writ petition requires to be dismissed, and it is dismissed. However, liberty is reserved to the petitioner to make appropriate application for revival of the writ petition after impleading all the necessary parties to the proceedings. Ordered accordingly.

Sd/-
Chief Justice